

## REMARKS

As an initial matter, Applicants are grateful to the Examiner for careful consideration of the matter in withdrawing the references “Austin” and “Miller” and the §103 rejection.

Applicants respectfully request reconsideration of this application as amended. Claims 1, 8 and 15 have been amended to present the claims in better form for allowance and for possible consideration on appeal. Applicants respectfully request the Examiner to accept the proposed amendments. Claims 3-5, 7, 9-11, 13-4, 17-26, 29 and 32-33 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-2, 6, 8, 12, 15-16, 27-28, 30-31 and 34-35 are presented for examination. The following remarks are in response to the final Office Action, mailed December 27, 2006.

### 35 U.S.C. § 101 Rejection

Claims 1, 2, 6, 8, 12, 15, 16, 27, 28, 30, 31 and 34-35 are rejected under 35 U.S.C. §101, because the claimed invention is directed to non-statutory subject matter.

### 35 U.S.C. § 112 Rejection

Claims 1, 2, 6, 8, 12, 15, 16, 27, 28, 30, 31 and 34-35 stand rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements.

Per the telephone conversations with the Examiner on Tuesday, January 16, 2007 and Thursday, January 18, 2007 and in light of the Draft for Discussion (Draft) submitted to and discussed with the Examiner, Applicants submit the following remarks:

Applicants respectfully disagree with the Examiner and strenuously object to the Examiner's rejection of the claims under §§ 101, 112. Applicants had objected to the Examiner's improper rejections during the two phone conversations and in the Draft

and now again, Applicants submit that they are under no legal obligation to claim every element or any particular element that is disclosed in the Specification. The burden is on the Examiner to refer to a specific legal authority that imposes such an obligation on Applicants. Furthermore, the “essential elements” that the Examiner is referring to in the Office Action (pages 3-4), mailed 12-27-06, are claimed in dependent claims 34-35; however, as stated above, Applicants are under no obligation to claims these or any other particular elements that are disclosed in the Specification in independent or dependent claims. If the Examiner disagrees, Applicants request that the Examiner to cite a specific legal authority that imposes such an obligation on Applicants and not merely refer to the pages of the Specification or refer broadly to §§ 101, 112. Furthermore, once again, Applicants would like to insist that they are under no obligated to duplicate legal practices of other attorneys. The Examiner’s rejections are improper and invalid and their withdrawal is earnestly requested. Accordingly, Applicants respectfully request the Examiner to either state a specific legal authority or allow the pending claims.

Nevertheless, these Applicants have fully cooperated with the Examiner, including two telephone conversations, the faxing of the Draft, and the filing of this RCE, to expedite issuance of this case. However, regrettably, the Examiner’s persistence of these invalid and improper rejections has imposed an undue burden on these Applicants and has served as an obstacle in advancing the prosecution of this matter.

Applicants propose additional amendment to independent claims 1, 8 and 15 to expedite issuance of this case. The support of these amendments is found throughout the Specification and particularly, in Figure 5 and in the relevant description on pages 16-17. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of

claims 1, 8 and 15 and their dependent claims.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

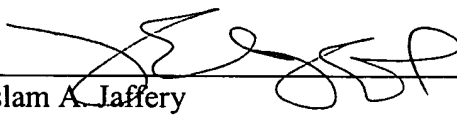
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: January 23, 2007

  
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